

REMARKS

Claims 29, 33, 34, 37, 41, and 44 have been amended. Claims 49-54 have been added. Claims 29-54 are pending. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject
5 application.

Specification Objection

The Office objects to the Specification and states that there is no support in the Specification for the claimed tangible computer-readable medium of claims
10 43-48. Applicant respectfully disagrees.

Support for this subject matter can be found, among other places, in the Specification from page 8, line 23 to page 9, line 4. There, the Specification describes the notion that any number of systems and/or devices may be identified, organized and utilized to accomplish a desired task including, but not limited to
15 personal computer systems (PCs), internet appliances, notebook computers, servers, storage devices, network attached storage (NAS) devices, wireless devices, hand-held devices, or any other computing device that has useful capabilities and is connected to a network in any manner. It is common knowledge that systems such as these include tangible computer-readable media.

20 Further, Fig. 2 and its related description starting on page 16 describe the notion of client systems that include, among other elements, hard drives, memory, removable media types and the like.

In view of this discussion appearing in the Specification and, more generally, the context of the application, Applicant respectfully submits that the specification amply describes and supports tangible computer-readable media.

5 **§ 103 Rejections**

Claims 29-48 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,611,686 to Smith *et al.* (hereinafter “Smith”) in view of U.S. Publication No. 2002/0010757 to Granik *et al.* (hereinafter “Granik”).

10 For the reasons set forth below, Applicant respectfully traverses the rejection.

The Claims

Claim 29 recites a system comprising [emphasis added]:

- 15 • a server system configured to:
- communicate with one or more remote distributed devices, the one or more remote distributed devices configured to receive data from at least one environmental sensor;
 - 20 ○ ***incentivize use of the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices***; and
 - receive the environmental data and the location data from the one or more remote distributed devices.

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Applicant submits that the Office has not met its burden to establish a *prima facie* case of obviousness with respect to claim 29 and therefore traverses the Office’s rejection. In rejecting claim 29, the Office asserts that the subject

matter of claim 29 is obvious over the proposed combination of Smith and Granik. Applicant respectfully disagrees.

The proposed combination of Smith and Granik fails to teach or suggest at least the feature to “incentivize use of the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices,” as recited in claim 29.

The cited references, alone or in combination, lack any disclosure that is even suggestive of the feature to **incentivize use of the one or more remote distributed devices to provide environmental data and location data** corresponding to the one or more remote distributed devices. For at least this reason, claim 29 is allowable over the combination of Smith and Granik.

In particular, the Office correctly acknowledges that Smith fails to teach or suggest the feature to “incentivize the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices.” To correct these defects, the Office relies on Granik at ¶[0018] (*Office Action* p. 4).

Although Granik does discuss entitling “a user to certain rewards based on their subscription”, Granik **is totally silent** with respect to **incentivizing use** of remote distributed devices to provide ***environmental data and location data***. Instead, Granik describes a system and method that functions to replace advertisements of original undesired content with new advertisements and enable users to earn money based on user actions (*Granik* ¶[0007]). Rewarding users who perform certain user actions, like generating click-throughs, or purchasing from a destination web site affiliated with a campaign (*Granik* ¶[0018]), however,

is not equivalent to the feature to “incentivize use of the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices,” as recited in claim 29.

5 As such, Granik fails to disclose or suggest at least one of the features of this claim. Accordingly, the proposed combination does not render this claim’s subject matter obvious.

Additionally, to support a prima facie case of obviousness, the proposed combination of Smith and Granik cannot change the principle of operation of
10 Smith. Applicant respectfully submits that the Office’s proposed combination would impermissibly change the principle of operation of Smith.

A proposed combination of references changes the principle of operation of a primary reference when the combination would require substantial reconstruction and redesign of the elements shown in the primary reference as well
15 as a change in the basic principle under which the primary reference construction was designed to operate. Such a proposed combination is not sufficient to establish a *prima facie* case of obviousness. See, e.g. MPEP § 2143.01 VI.

Smith, the primary reference of the proposed combination, describes a monitoring device for monitoring a target that comprises a “microcontroller
20 programmed for operating the monitoring device” (*Smith* col. 2, lines 8-10). Further, Smith describes that the microcontroller “is programmed in a low level language closely related to an architecture of the microcontroller.” (*Smith* col. 2, lines 29-31). In addition, Smith describes providing “a device which costs a

fraction of presently available devices and also operates at a fraction of the cost of presently available services” (*Smith* col. 1, line 66 - col. 2, line 2).

The Office relies on Granik to modify Smith, in order to add incentivizing one or more remote distributed devices to provide data corresponding to the one or
5 more remote distributed devices (*Office Action* p. 4).

Granik describes a software application that functions to replace advertisements of original undesired content with new advertisements and enable users to earn money based on user actions (*Granik* ¶[0007]). Further, Granik describes that the software application can be downloaded to a computer terminal
10 (*Granik* ¶¶ [0009], [0014]). The application is capable of installing itself as part of the computer terminal’s web browser (*Granik* ¶[0010]). Moreover, the application is used to enhance a browsing experience by modifying received advertising content with other data content (*Granik* ¶[0009]).

As the Office can surely appreciate, the low level language closely related
15 to the architecture of the microcontroller described in Smith would appear to be insufficient to implement a software application like that described in Granik. In order to overcome this insufficiency, Applicant submits that Smith would require a substantial reconstruction and redesign of at least the microcontroller. Further, such modification would undoubtedly increase the cost of Smith’s device. Doing
20 so would represent a departure from Smith’s intent which is to provide a device which “costs a fraction” and “operates at a fraction of the cost” of presently available implementations. As such, the modification of Smith suggested by the Office does not support a *prima facie* case of obviousness.

Additionally, to be properly considered, Granik must constitute analogous art. The Office alleges that Granik constitutes analogous art, but Applicant respectfully submits that the Office's allegation is misplaced.

5 In order to constitute analogous art, the reference must be from the same field of endeavor or, if not, be reasonably pertinent to the problem with which the inventor was concerned.

The field of endeavor of the present application pertains to utilizing the capabilities of massively distributed devices through distributed processing computing platforms and to sensor networks. See, e.g. Specification, page 1, lines 10 20-22. Granik, on the other hand, pertains to providing "a system and method . . . that can be downloaded by users of popular Internet web browsers that functions to replace advertisements of original undesired content with new advertisement content" (*Granik* ¶[0007]). Applicant respectfully submits that replacing advertisements of original undesired content with new advertisement content is in 15 a different field of endeavor than utilizing the capabilities of massively distributed devices through distributed processing computing platforms and sensor networks.

Accordingly, because Granik is not in the same field of endeavor, Granik must at least be reasonably pertinent to the problem with which the inventor was concerned, i.e., to *incentivize* use of one or more remote distributed devices *to* 20 *provide environmental data and location data* corresponding to the one or more remote distributed devices. As noted above, Granik describes enabling users to earn money based on user actions by *replacing advertisements of original undesired content with new advertisement content* (*Granik* ¶[0007]). Granik further describes that the user actions include such actions as generating click-

throughs or purchasing from a destination website affiliated with a campaign (Granik ¶[0018]).

However, entitling users to certain rewards for the act of replacing an ad for user viewing would not have logically commended itself when considering the notion of incentivizing use of one or more remote distributed devices to provide environmental and location data. Applicant submits that the problems attendant with the notion of incentivizing use of one or more remote distributed devices to provide environmental and location data are not pertinent to those associated with rewarding user actions for replacing an ad for user viewing as described in Granik.

Thus, because Granik is not in the same field of endeavor as the claimed subject matter and, is not reasonably pertinent to the problem with which the inventor was concerned, Granik constitutes non-analogous art and cannot be considered in making out the rejection of this claim. For at least this additional reason, the Office has failed to establish a *prima facie* case of obviousness.

Accordingly, claim 29 is allowable over the proposed combination of Smith and Granik for at least the reasons described above, and Applicant requests that the § 103 rejection be withdrawn.

Claims 30-36 depend from claim 29 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 29, are neither disclosed nor suggested in the references of record.

Claim 37 recites a method comprising [emphasis added]:

- identifying one or more remote distributed devices configured to sense an environmental condition by one or more server systems;
- ***incentivizing use of the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems;***
- receiving environmental data and location data from the one or more remote distributed devices by the one or more server systems; and
- configuring a distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices by the one or more server systems.

Applicant submits that the Office has not met its burden to establish a *prima facie* case of obviousness with respect to claim 37. In rejecting claim 37, the Office asserts that the subject matter of claim 37 is obvious over the proposed combination of Smith and Granik. Applicant respectfully disagrees.

The proposed combination of Smith and Granik fails to teach or suggest at least the feature of “incentivizing use of the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems,” as recited in claim 37.

The cited references, alone or in combination, lack any disclosure that is even suggestive of ***incentivizing*** use of the one or more remote distributed devices ***to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices*** by the one or more server systems. For at least this reason, claim 37 is allowable over the combination of Smith and Granik.

In particular, the Office correctly acknowledges that Smith fails to teach or suggest the feature of “incentivizing the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems.” To correct these defects, the Office relies on Granik at ¶[0018] (*Office Action* p. 6).

For the reasons mentioned above, Granik fails to disclose or suggest *incentivizing* use of distributed devices *to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices.*

As such, Granik fails to teach or suggest at least one of the features of this claim. Accordingly, the proposed combination fails to teach or suggest each and every feature of claim 37 as required for a proper rejection under 35 U.S.C. § 103. Accordingly, for this reason, and the reasons mentioned above, the Office has failed to establish a *prima facie* case of obviousness and this claim is allowable.

Claims 38-42 depend from claim 37 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 37, are neither disclosed nor suggested in the references of record.

Claim 43 recites a tangible computer readable medium having instructions stored thereon, the instructions comprising [emphasis added]:

- instructions to *receive a beneficial incentive to form a sensor based distributed processing system*, wherein the instructions cause the sensor based distributed processing system to be formed by coupling one or more remote environmental sensors to a remote distributed device;
- instructions to measure at least one environmental condition with the one or more remote environmental sensors coupled to the remote distributed device;
- instructions to determine a location of the remote distributed device; and
- instructions to transmit environmental data corresponding to the at least one measured environmental condition, location data corresponding to the location of the remote distributed device, and an identifier corresponding to the one or more remote environmental sensors.

Applicant submits that the Office has not met its burden to establish a *prima facie* case of obviousness with respect to claim 43. In rejecting claim 43, the Office asserts that the subject matter of claim 43 is obvious over the proposed combination of Smith and Granik. Applicant respectfully disagrees.

The proposed combination of Smith and Granik fails to teach or suggest at least the feature of “instructions to *receive a beneficial incentive to form a sensor based distributed processing system*, wherein the instructions cause the sensor based distributed processing system to be formed by coupling one or more remote environmental sensors to a remote distributed device,” as recited in claim 43.

The cited references, alone or in combination, lack any disclosure that is even suggestive of instructions to *receive a beneficial incentive to form a sensor based distributed processing system*. For at least this reason and the reasons set forth above as such pertain to Granik’s failure to disclose or suggest a beneficial incentive as recited in this claim and the improper modification of Smith, claim 43 is allowable over the combination of Smith and Granik.

Claims 44-48 depend from claim 43 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 43, are neither disclosed nor suggested in the references of record.

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New Claim

Claims 49-54 have been added. Applicant respectfully submits that these claims are allowable over the references of record because none of the references either singly or in combination with one another disclose or suggest the subject matter of these claims. Support for the claims can be found throughout the specification. Accordingly, no new matter is added.

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Conclusion

Claims 29-54 are in condition for allowance, and Applicant respectfully requests issuance of the subject application. If any issues remain that preclude issuance of the application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

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Respectfully Submitted,

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